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7 UNITED STATES BANKRUPTCY COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 In re:

10 NORTHWEST TERRITORIAL MINT, LLC,
11 Debtor.

Case No. 16-11767-CMA

**STIPULATION FOR APPOINTMENT
OF MEDIATOR AND ASSIGNMENT
TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM**

14 IT IS HEREBY STIPULATED by and between all parties to this stipulation involving the
15 above-captioned chapter 11 case, that pursuant to Local Bankruptcy Rule 9044-1, this matter be
16 referred to the Honorable Thomas T. Glover Mediation Program. The parties have conferred and
17 have agreed that the following individual is mutually acceptable for appointment as mediator in this
18 matter:

19 Lawrence R. Ream
20 Schwabe, Williams & Wyatt
1420 5th Ave Suite 3400
21 Seattle WA 98101
(206) 407-1551
22 lream@schwabe.com

23 The parties seek the appointment of Mr. Ream as mediator with respect to the existing
24 dispute regarding certain WARN Act claims between the Trustee and Brittany Konkel, on behalf of
25 herself and all others similarly situated. The parties further seek the Court's approval of the Trustee's
26 payment of his share of any fees owed to the mediator in connection with the mediation as provided

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1 in Local Bankruptcy Rule 9050-1(b). In support of this Stipulation, the parties stipulate as follows:

2 1. On April 1, 2016, Northwest Territorial Mint, LLC (the “Debtor” or “NWTM”) filed
3 a voluntary bankruptcy petition under Chapter 11 of Title 11 of the United States Code.

4 2. An order appointing Mark Thomas Calvert as Chapter 11 Trustee was entered on
5 April 11, 2016.

6 3. On January 31, 2018, Brittany Konkel, on behalf of herself and all others similarly
7 situated (“Konkel”), filed a class action adversary proceeding complaint (the “Complaint”) for the
8 recovery of damages arising from the Debtor’s alleged violation of the Worker Adjustment and
9 Retraining Notification Act, 29 U.S.C. § 2101 et seq. (the “WARN Act”). Ms. Konkel alleges that
10 the Debtor failed, under the requirements of the WARN Act, to provide adequate notice to
11 employees of the closure of the Debtor’s Dayton, Nevada, facility.

12 4. Konkel voluntarily dismissed the Complaint without prejudice, but has indicated that,
13 if the mediation is unsuccessful, she will file a motion for allowance of a WARN Act class
14 administrative priority claim, and seek class certification for others similarly situated.

15 5. Konkel and the Trustee previously sought the appointment, via *ex parte* motion, of
16 Jay Kornfeld as mediator. Subsequently, it was determined that Mr. Kornfeld would no longer act as
17 mediator for this dispute and the parties agreed upon Mr. Ream as mediator.

18 6. Mr. Ream has agreed to act as mediator under the Thomas T. Glover protocol under
19 the fee structure of Local Bankruptcy Rule 9050-1.

20 7. The parties seek entry of an order appointing Mr. Ream as mediator and authorizing
21 the Trustee to pay his ½ share of mediator fees in connection with this mediation.

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1 8. The attorneys for the parties are:

3 Attorneys for the Trustee

4 Michael J. Gearin
5 David C. Neu
6 Brian T. Peterson
7 K&L Gates LLP
8 925 4th Avenue, Suite 2900
9 Seattle, WA 98104
10 206 623 7580

11 /s/Michael J. Gearin

12 Michael J. Gearin, WSBA # 20982
13 David C. Neu, WSBA #33143
14 Brian T. Peterson, WSBA #42088

15 June 27, 2018
16 DATED

Attorneys for Brittany Konkel

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June 27, 2018
DATED

27 STIPULATION FOR APPOINTMENT OF MEDIATOR AND
28 ASSIGNMENT TO THE HONORABLE THOMAS T.
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1 **CERTIFICATE OF SERVICE**

2 The undersigned declares as follows:

3 That she is a paralegal in the law firm of K&L Gates LLP, and on June 27, 2018, she caused
4 the foregoing document to be filed electronically through the CM/ECF system which caused
5 Registered Participants to be served by electronic means, as fully reflected on the Notice of
6 Electronic Filing.

7 I declare under penalty of perjury under the laws of the State of Washington and the United
8 States that the foregoing is true and correct.

9 Executed on the 27th day of June, 2018 at Seattle, Washington.

10 /s/ Denise A. Lentz
11 Denise A. Lentz
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27 STIPULATION FOR APPOINTMENT OF MEDIATOR AND
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